IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.1930 OF 2006

Vithal Kanoo Gawde .... Petitioner
Vs.
M/s. B.P.T. Employees Consumer
Co-operative Society Limited .... Respondent

Shri S.G. Deshmukh for the Petitioner.

Sarvasri Jaiprakash Sawant with K.L. Patil
for the Respondent.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: OCTOBER 11, 2006

P.C:

1. Heard. The Labour Court has dismissed the Application IDA No.526 of 1995 filed by the petitioner under Section 33-C(2) of the Industrial Disputes Act, 1947 being not maintainable. Upon hearing the learned Advocates for the parties and on perusal of the records, it is seen that the application was essentially for claiming retrenchment compensation. To justify the claim of retrenchment compensation, the party has initially to establish that the party was in fact retrenched from the services and the Labour Court dealing with the matters under Section 33-C(2) has no such jurisdiction and the law on the point is well-settled. Being so, no fault can be found with the impugned order in that regard.

2. As regards the claim for refund of the security deposit of Rs.2,000/-, the learned Advocate appearing for the respondent states that the said amount has already been refunded to the petitioner. This claim of the respondent, however, is disputed by the learned Advocate for the petitioner. Be it as it may, the respondent may verify from the records as to whether the said amount has been refunded or not and in case it is not refunded, it may be refunded. With these observations, no further interference is called for. The petition is, therefore, rejected.

(R.M.S. Khandeparkar, J.)

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